FILED
DEC 26 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

610

DOROTHY J. TOPIE,

Petitioner-Appellant,

vs.

IOWA DEPARTMENT OF JOB SERVICE,

Respondent-Appellant,

and Y.W.C.A. OF CEDAR RAPIDS, and LINN COUNTY, IOWA,

Employer.

Filed December 26, 1984

4-494
84-872

Appeal from the Iowa District Court for Linn County - Larry J. Conmey, Judge.

Dorothy J. Topie appeals from an order of the trial court dismissing her petition for judicial review. AFFIRMED.

Matnew Glasson, of Glasson, Harris & Grove, Cedar Rapids, for petitioner-appellant.

Walter F. Maley and Blair H. Dewey, Des Moines, and Joseph L. Bervid, Cedar Rapids, for respondent-appellant.

Considered by Donielson, P.J., and Hayden and Sackett, JJ.

SACKETT, J.

Petitioner, Dorothy J. Topie, was discharged by her employer, the Y.W.C.A. of Cedar Rapids. Job Service denied her application for unemployment benefits on the grounds of misconduct. On January 4, 1984, the appeal board affirmed the denial of unemployment benefits. On January 18, 1984, petitioner filed a petition for judicial review of the Job Service decision. The petition named only The Iowa Department of Job Service as respondent and failed to name petitioner's former employer. Job Service answered the petition on January 30, 1984, and on February 22, 1984, they filed a motion to dismiss the petition claiming the district court did not have jurisdiction to hear the matter because the petitioner failed to comply with the appeal procedure of Iowa Code 96.6(8) 1981 which states in pertinent part as follows:

> ". . . Notwithstanding the terms of the Iowa Administrative Procedure Act . . . any other party to the proceeding before the Appeal Board shall be named in the Petition. . . ." (emphasis added).

Petitioner then amended her petition to name the Y.W.C.A. of Cedar Rapids.

The trial court sustained the State's motion and dismissed the action holding the trial court was witnout jurisdiction to hear the appeal.

Petitioner appeals from the trial court's ruling. We affirm.

In Ball v. Iowa Dept. of Job Service, 308 N.W.2d 54 (Iowa 1981) the Iowa Supreme Court concluded that claimant's failure to name his employer in a petition for judicial review deprived the district court of jurisdiction and said at page 55:

> "The right of judicial review is conferred by statute, and the procedures prescribed to obtain such review must be followed to confer jurisdiction on the district court. A failure to comply with applicable statutory requirements, accordingly, deprives the court of jurisdiction for judicial review. When jurisdiction is wanting for lack of compliance with procedures prescribed by statute, it is the court's duty to refuse to entertain an appeal."

Petitioner's failure to name her employer deprived the district court of jurisdiction. Petitioner's contention that Rule of Civil Procedure 89 allowed their amendment naming the employer to relate back to the original petition is without merit. We affirm the trial court's ruling.

AFFIRMED.